

RCE

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Application No. 09/888,123
Filing Date 06/22/2001
First Named Inventor John I. Garney
Art Unit 2133
Examiner Name Lamarre, Guy J.
Attorney Docket No. 042390.P11058

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114** – Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
 - a. Previously submitted If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.)
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. Other _____
 - b. Enclosed
 - i. Amendment/Reply | 04/11/2005 MBIZUNES 00000010 09888123 | 790.00 OP
 - ii. Affidavit(s)/Declaration(s) | 01 FC:1801
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____
2. **Miscellaneous**
 - a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(i) required)
 - b. Other _____
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by C.F.R. § 1.114 when the RCE is filed.
 - a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-2666
 - i. RCE fee required under 37 C.F.R. § 1.17(e)
 - ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. Processing fee under 37 CFR § 1.17(i) for Limited Suspension of Action
 - iv. Other _____
 - b. Check in the amount of \$ 790.00 enclosed
 - c. Payment by credit card (Form PTO-2038 enclosed)
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

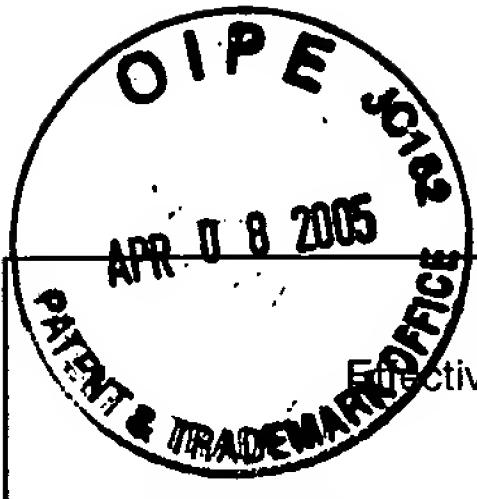
Name (Print/Type) John P. Ward Registration No. (Attorney/Agent) 40,216
Signature John P. Ward Date April 5, 2005

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print/Type) Harleen Bains
Signature Harleen Bains Date April 5, 2005

Express Mail No. (only if applicable): _____



FEE TRANSMITTAL FOR FY 2005

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

TOTAL AMOUNT OF PAYMENT (\$) 790.00

Complete if Known:

Application No. 09/888,123
 Filing Date 06/22/2001
 First Named Inventor John I. Garney
 Examiner Name Lamarre, Guy J.
 Art Unit 2133
 Attorney Docket No. 042390.P11058

 Applicant claims small entity status. See 37 CFR 1.27.

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify)

Deposit Account

Deposit Account Number : 02-2666

Deposit Account Name: _____

The Director is Authorized to do the following with respect to the above-identified Deposit Account:

Charge fee(s) indicated below.

Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.

Charge fee(s) indicated below except for the filing fee

Credit any overpayments.

Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form.
 Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Large Entity	Small Entity	Fee Description	Fees Paid (\$)		
Fee	Fee	Fee			
Code	(\$)	Code	(\$)		
1011	300	2011	150	Utility application filing fee	1,000/500
1111	500	2111	250	Utility search fee	
1311	200	2311	100	Utility examination fee	
1012	200	2012	100	Design application filing fee	430/215
1112	100	2112	50	Design search fee	
1312	130	2312	65	Design examination fee	
1013	200	2013	100	Plant filing fee	660/330
1113	300	2113	150	Plant search fee	
1313	160	2313	80	Plant examination fee	
1004	300	2004	150	Reissue filing fee	1,400/700
1114	500	2114	250	Reissue search fee	
1314	600	2314	300	Reissue examination fee	
1005	200	2005	100	Provisional application filing fee	

SUBTOTAL (1) \$ 0.00

2. EXCESS CLAIM FEES

<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fees Paid (\$)</u>																																	
Total Claims _____ - 20 or HP = _____	X _____ = _____																																		
HP = highest number of total claims paid for, if greater than 20																																			
Independent Claims _____ - 3 or HP = _____	X _____ = _____																																		
HP = highest number of independent claims paid for, if greater than 3																																			
Multiple Dependent Claims _____ = _____																																			
<table border="1"> <thead> <tr> <th><u>Large Entity</u></th><th><u>Small Entity</u></th><th></th></tr> <tr> <th>Fee Code</th><th>Fee (\$)</th><th>Fee Code</th><th>Fee (\$)</th><th><u>Fee Description</u></th></tr> </thead> <tbody> <tr> <td>1202</td><td>50</td><td>2202</td><td>25</td><td>Each claim over 20</td></tr> <tr> <td>1201</td><td>200</td><td>2201</td><td>100</td><td>Each independent claim over 3</td></tr> <tr> <td>1203</td><td>360</td><td>2203</td><td>180</td><td>Multiple dependent claims, if not paid</td></tr> <tr> <td>1204</td><td>200</td><td>2204</td><td>100</td><td>Reissue: each claim over 20 and more than in the original patent</td></tr> <tr> <td>1205</td><td>50</td><td>2205</td><td>25</td><td>Reissue: each independent claim more than in the original patent</td></tr> </tbody> </table>			<u>Large Entity</u>	<u>Small Entity</u>		Fee Code	Fee (\$)	Fee Code	Fee (\$)	<u>Fee Description</u>	1202	50	2202	25	Each claim over 20	1201	200	2201	100	Each independent claim over 3	1203	360	2203	180	Multiple dependent claims, if not paid	1204	200	2204	100	Reissue: each claim over 20 and more than in the original patent	1205	50	2205	25	Reissue: each independent claim more than in the original patent
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SUBTOTAL (2) \$ 0.00																																			

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each add'l 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>																														
_____	- 100 = _____ / 50 = _____ (round up to whole number)	X _____																																
<table border="1"> <thead> <tr> <th><u>Large Entity</u></th><th><u>Small Entity</u></th><th></th><th colspan="2"><u>Fee Description: Application size fee for each additional group of 50 sheets beyond initial 100 sheets</u> (count spec & drawings except sequences & program listings):</th></tr> <tr> <th>Fee Code</th><th>Fee (\$)</th><th>Fee Code</th><th>Fee (\$)</th><th><u>Fee Description</u></th></tr> </thead> <tbody> <tr> <td>1081</td><td>250</td><td>2081</td><td>125</td><td>Utility</td></tr> <tr> <td>1082</td><td>250</td><td>2082</td><td>125</td><td>Design</td></tr> <tr> <td>1083</td><td>250</td><td>2083</td><td>125</td><td>Plant</td></tr> <tr> <td>1084</td><td>250</td><td>2084</td><td>125</td><td>Reissue</td></tr> </tbody> </table>					<u>Large Entity</u>	<u>Small Entity</u>		<u>Fee Description: Application size fee for each additional group of 50 sheets beyond initial 100 sheets</u> (count spec & drawings except sequences & program listings):		Fee Code	Fee (\$)	Fee Code	Fee (\$)	<u>Fee Description</u>	1081	250	2081	125	Utility	1082	250	2082	125	Design	1083	250	2083	125	Plant	1084	250	2084	125	Reissue
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1083	250	2083	125	Plant																														
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SUBTOTAL (3) \$ 0.00																																		

FEE CALCULATION (continued)**4. OTHER FEE(S)**

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fees Paid (\$)</u>
Non-English Specification, \$130 fee (no small entity discount)			
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051	65
1052	50	2052	25
1053	130	1053	130
1812	2,520	1812	2,520
1813	8,800	1813	8,800
1804	920*	1804	920*
1805	1,840*	1805	1,840*
1251	120	2251	60
1252	450	2252	225
1253	1,020	2253	510
1254	1,590	2254	795
1255	2,160	2255	1,080
1401	500	2401	250
1402	500	2402	250
1403	1,000	2403	500
1451	1,510	1451	1,510
1452	500	2452	250
1453	1,500	2453	750
1501	1,400	2501	700
1502	800	2502	400
1503	1100	2503	550
1462	400	1462	400
1463	200	1463	200
1464	130	1464	130
1807	50	1807	50
1806	180	1806	180
8021	40	8021	40
1809	790	2809	395
1814	130	2814	65
1810	790	2810	395
1801	790	2801	395
1802	900	1802	900
1504	300	1504	300
1505	300	1505	300
1803	130	1803	130
1808	130	1808	130
1454	1,370	1454	1,370
Other fee (specify) _____			
Other fee (specify) _____			
SUBTOTAL (4) \$ 790.00			
*Reduced by Basic Filing Fee Paid			
SUBMITTED BY: _____			
Typed or Printed Name: _____			
Signature: _____		Date: _____	April 5, 2005
Reg. Number: _____		Telephone Number: _____	408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450